

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	May 4, 2017 / 2:46 PM / [REDACTED]
Date/Time of COPA Notification:	May 8, 2017 / 12:09 PM
Involved Officer #1:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment [REDACTED], 1997, rank Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED], 1962, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1982, Male, Black
Case Type:	Unnecessary display of weapon

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that Officer [REDACTED] unnecessarily displayed his weapon at [REDACTED]	Exonerated

**II. SUMMARY OF EVIDENCE<sup>2</sup>**

On May 4, 2017, Officer [REDACTED] was on traffic patrol on the [REDACTED] when [REDACTED] drove past him at 78 miles per hour in a 55 mile per hour zone. Officer [REDACTED] drove up behind [REDACTED] to curb his vehicle. [REDACTED] initially pulled over in a live traffic lane. Officer [REDACTED] pulled alongside [REDACTED] vehicle and instructed him to drive forward and pull over in an emergency lane. [REDACTED] alleged to IPRA that Officer [REDACTED] pointed a gun at him at this point. Officer [REDACTED] admitted that he had a gun in his hand. He explained that [REDACTED] was reaching over into the center console of the vehicle and that Officer [REDACTED] could not see what was happening because [REDACTED] was driving a large truck that was high off the ground. To ensure his safety, Officer [REDACTED] stated he removed his duty weapon from its holster and held it down low, never lifting it up higher than his leg. Once [REDACTED] pulled into the emergency lane, Officer [REDACTED] holstered his weapon, stopped behind him, and conducted the traffic stop. Officer [REDACTED] eventually issued four citations, including one parking citation. Although [REDACTED] disagreed with how fast Officer [REDACTED] said he was going, he did admit to IPRA the conduct that was the basis for each citation. Once the

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

traffic stop was over, [REDACTED] asked to speak to a sergeant. Officer [REDACTED] informed him that he was free to leave and could call a sergeant if he wanted to do so.

### III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

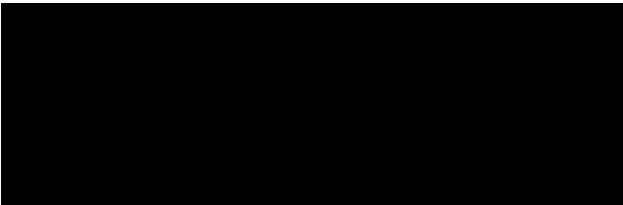
A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

### IV. ANALYSIS AND CONCLUSION

COPA finds that Officer [REDACTED] decision to draw his weapon to ensure his safety was reasonable, given that he could not see what was happening inside [REDACTED] vehicle. [REDACTED] also confirmed that his vehicle was positioned higher than Officer [REDACTED] which would make it difficult for Officer [REDACTED] to know what [REDACTED] would be reaching for in his center console. [REDACTED] admitted to speeding and that he did not immediately pull over when Officer [REDACTED] tried to stop him. Therefore, by clear and convincing evidence and the totality of the circumstances, the allegation in this case is **Exonerated**.

Approved:



April 13, 2019

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Date

*Deputy Chief Administrator – Chief Investigator*

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	1
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]